

GREGORY S. TAMKIN (State Bar No. 175009)
CASE COLLARD (State Bar No. 245834)
DORSEY & WHITNEY LLP
1400 Wewatta Street, Suite 400
Denver, CO 80202-5549
Telephone: (303) 629-3400
Facsimile: (303) 629-3450
Email: tamkin.greg@dorsey.com
Email: collard.case@dorsey.com
***Attorneys for Defendants Ameriprise Financial, Inc.
and Ameriprise Financial Services, Inc.***

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

XIMPLEWARE CORP.,
Plaintiff,

v.

VERSATA SOFTWARE, INC. F/K/A
TRILOGY SOFTWARE, INC.; TRILOGY
DEVELOPMENT GROUP, INC.;
AMERIPRISE FINANCIAL, INC.;
AMERIPRISE FINANCIAL SERVICES, INC.;
AND AUREA SOFTWARE, INC A/K/A
AUREA, INC.,,
Defendants.

Case No. 13-cv-05160 SI

DEFENDANTS AMERIPRISE FINANCIAL,
INC. AND AMERIPRISE FINANCIAL
SERVICES, INC.'S NOTICE OF
WITHDRAWAL OF MOTION TO DISMISS

PLEASE TAKE NOTICE THAT: On December 3, 2013, Defendants Ameriprise Financial, Inc. and Ameriprise Financial Services, Inc., ("Ameriprise") filed a motion to dismiss Plaintiff XimpleWare Corp.'s ("XimpleWare") claims of copyright infringement, unjust enrichment, unfair competition, and declaratory relief alleged in its Complaint filed in this action. (Dkt. No. 41.) On December 17, 2013, the date its Opposition to Ameriprise's motion was due, Plaintiff XimpleWare instead filed an Amended Complaint. (Dkt. No. 48.) Pursuant to Civil L.R. 7-7, Ameriprise hereby notifies the Court that it is accordingly withdrawing its pending motion to dismiss, and will timely file a renewed response to the Amended Complaint. Fed. R. Civ. P. Rule 15(a)(3).

1 Dated December 31, 2013.

2 /s/ Gregory S. Tamkin

3 Gregory S. Tamkin

4 Case Collard

5 DORSEY & WHITNEY, LLP

6 Email: tamkin.greg@dorsey.com

7 Email: collard.case@dorsey.com

8 1400 Wewatta Street, Suite 400

9 Denver, CO 80202-5549

10 Telephone: (303) 629-3400

11 Facsimile: (303) 629-3450

12 *Attorneys for Defendants Ameriprise Financial, Inc.*
13 *and Ameriprise Financial Services, Inc.*
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

On December 31, 2013, I caused the foregoing document, titled DEFENDANTS AMERIPRISE FINANCIAL, INC. AND AMERIPRISE FINANCIAL SERVICES, INC.'S NOTICE OF WITHDRAWAL OF MOTION TO DISMISS, to be electronically filed with the court, which will cause a Notice of Electronic Filing to be automatically generated by the court's electronic filing system and sent to all parties in this case. Pursuant to General Order No. 45, Sections II.G. and IX, the Notice of Electronic Filing when e-mailed to the email addresses of record for counsel in the case constitutes service on the receiving parties.

/s/ Gregory S. Tamkin

Gregory S. Tamkin